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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG

APR 09 2002

WILLIAM CLARK,

Plaintiff,

v.

LARRY LIDGETT, et. al.,

Defendants.

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Civil Action No. 01-CV-0764

(Judge William W. Caldwell)

JURY TRIAL DEMANDED

MARY E. D'ANDREA, CLERK
DEPUTY CLERK

**CORRECTIONS DEFENDANTS' MOTION
FOR AN ENLARGEMENT OF TIME**

Defendants Martin Horn, Robert Meyers, and Larry Lidgett, by and through their attorney, John J. Talaber, Assistant Counsel, respectfully request this Honorable Court to grant them an enlargement of time until April 19, 2002 to file their Statement of Material Facts, Supporting Brief, and Supporting Documents to their Motion for Summary Judgment. The following averments are made in support of this Motion:

Parties and Nature of Action:

1. Plaintiff William Clark is an inmate currently incarcerated at the State Correctional Institution at Rockview ("SCI-Rockview"). See Complaint (doc. 1), ¶2.

2. Clark named the following Department of Corrections employees as Defendants (“Corrections Defendants”): (1) former Secretary of the Department, Martin Horn; (2) SCI-Rockview Superintendent, Robert W. Meyers; and (3) former SCI-Rockview Corrections Health Care Administrator, Larry Lidgett. See Complaint, ¶¶ 3, 4, 7.
3. Additionally, Clark named as Defendants the contracted medical provider at SCI-Rockview: (1) Wexford Health Sources, Inc (“Wexford”); and (2) Wexford Medical Director, Dr. John Symons. James D. Young, Esquire, represents both parties in this action. See Complaint, ¶¶ 5,6; see also Entry of Appearance (doc. 11).
4. This is a 42 U.S.C. § 1983 action alleging deliberate indifference to the treatment of Clark’s Hepatitis C condition in violation of his Eighth Amendment rights under the United States Constitution. Clark also has pendent state claims of negligence and medical malpractice. Clark seeks compensatory and punitive damages, as well as, declaratory and injunctive relief. See Complaint, ¶¶ 8-58; Relief Requested, pp. 10-11.

Relevant Procedural History:

5. Clark filed the Complaint on May 21, 2001. (Doc. 1).
6. All the Defendants waived service of summons on August 2, 2001. (Doc. 12).

7. On September 10, 2001, Defendants Wexford and Dr. Symons waived reply to the Complaint pursuant to their rights under 42 U.S.C. §1997(e). (Doc. 13).
8. On September 14, 2001, the Corrections Defendants waived reply to the Complaint pursuant to their rights under 42 U.S.C. §1997(e). (Doc. 14).
9. On March 21, 2002, the Corrections Defendants served Clark with a response to his Request for Production of Documents, filed a Motion for a Protective Order regarding Clark's Interrogatories to the Corrections Defendants, and filed a Motion for Summary Judgment. (Docs. 17-20).
10. The Statement of Material Facts, Supporting Brief, and Supporting Documents to the Corrections Defendants' Motion for Summary Judgment are now due.

Request for an Enlargement of Time:

11. The Corrections Defendants, by and through the undersigned attorney, respectfully request an enlargement of time until April 19, 2002 to file their Statement of Material Facts, Supporting Brief, and Supporting Documents to the Motion for Summary Judgment.

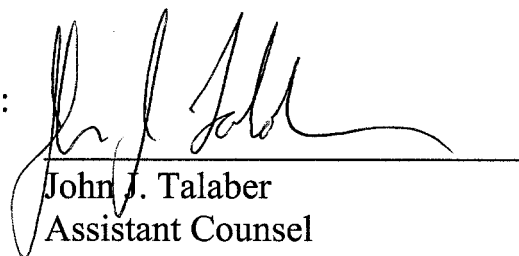
12. Federal Rule of Civil Procedure 6(b) provides, in part, that “[w]hen by these rules . . . an act required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion . . . order the period enlarged if request therefore is made before expiration of the period originally prescribed”
13. This request for an enlargement of time is necessary so that the undersigned attorney can finish compiling the statement of material facts, and finish the research for the Supporting Brief to the Motion.
14. Since the filing of the Motion for Summary Judgment on March 26, 2002, the Corrections Defendants’ attorney has been very involved in defending a motion for a preliminary injunction in the matter of Bronson v. Horn, 1025 M.D. 1997. Additionally, over the past two weeks the undersigned attorney has been involved in working with his clients to compile documents for discovery responses in the above-captioned action, as well as, Lattimore v. Dragovich, USDC-MD 01-CV-0124 (Muir, J).
15. The undersigned attorney hopes to have the Statement of Material facts and Supporting Brief completed and filed by the end of this week; however, out of an abundance of caution he is respectfully requesting an enlargement of time until April 19, 2002.

16. Barring an emergency, the undersigned attorney does not anticipate needing an additional enlargement of time for this matter.
17. This motion is not submitted for purposes of needless delay or for the purpose of prejudicing the claim of Clark, or inconveniencing the Court or the Wexford Defendants.

WHEREFORE, for the reasons set forth above, the Corrections Defendants respectfully request the Court to grant them an enlargement of time until April 19, 2002 to respond file their Statement of Material Facts and Supporting Brief to the Motion for Summary Judgment.

Respectfully submitted,
Office of General Counsel,

BY:



John J. Talaber
Assistant Counsel
Pa. Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444
Attorney No. 83279

Dated: April 9, 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CLARK,

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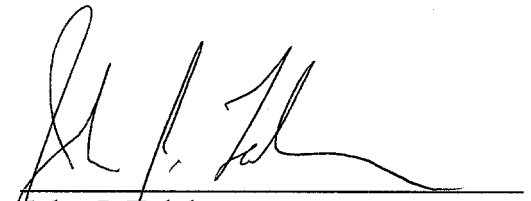
PROOF OF SERVICE

The undersigned hereby certifies that the Corrections Defendants Motion for an
Enlargement of Time was served upon the person(s) in the manner indicated below.

Service by first-class mail
addressed as follows:

William Clark, AY-5585
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Dated: April 9, 2002